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Written statement* submitted by the Liberation, a non-governmental organization on roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 August 2018]

* Issued as received, in the language(s) of submission only.

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Protection of Indigenous Peoples' Rights vis-a-vis the Ongoing Indo-Naga Peace Talks

Mr. President and Members of the Council,

We are deeply concerned about the growing opposition and continuing protests against the Indo-Naga peace process between the Government of India (GOI) and National Socialist Council of Nagaland- Isaac Muivah (NSCN-IM), by the neighbouring states which threaten to derail the peace process and result in continued violations of the rights of indigenous Naga people.

Nagas are transnational indigenous people with a population of approximately 4 million and comprising about 60 tribes, inhabiting parts of north-east India and north-west Myanmar. The Nagas were divided between India and Myanmar during the colonial transfer of power from Great Britain to these two countries in 1940s. This has had an adverse impact in maintaining relationship and ties among themselves which contravenes Article 36 of the United Nations Declaration on the Rights of Indigenous Peoples that says "Indigenous peoples, in particular those divided by international borders have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders".

The Naga resistance movement and their struggle for right to self-determination that started in a peaceful democratic movement was suppressed with martial laws. Armed conflict between the Indian state and the armed opposition forces of Nagas began in the early 1950s and ever since the history of the Naga peoples has been marred by violence reinforced by undemocratic laws and regulations for more than half a century.

With the signing of the historic Indo-Naga ceasefire between GOI and NSCN-IM in 1997, Nagas hope for peace was founded. The Nagas appreciate the GOI for recognising the unique history of the Nagas and it is our hope that the political solution will be based on historical facts and legitimacy.

However, since the signing of the most recent Indo-Naga Framework Agreement 2015, the governments of neighbouring Indian states as well as some sections of the civil society organisations, particularly in the state of Manipur, are spreading wrongly alleging that this agreement "compromises territorial integrity of the state". This propaganda is being deliberately carried out to sabotage the Naga peace process and continues till this day with increased hostile protests that threaten to negatively impact social harmony.

In particular, the Government of Manipur (GOM), together with some sections of civil society organisations, is not only opposing the integration of all Naga inhabited areas but also opposed to the proposal for any special provisions that promotes and protects the cultural identity, political, economic and social status of the Nagas. This is a perpetuation of the agenda of subjugation and discrimination that has been adopted by the GOM and sections of the people of Manipur against the Nagas. It has resulted in historical injustices in terms of the Naga peoples' ability to exercise their rights fully. For instance, there is an extreme perversion in the number of seats in the Legislative Assembly allocated for hill areas (20 seats for 47% of the population who lives in and occupies 90% of the total geographical area of Manipur as opposed to 40 seats for the remaining); health, sports, and educational institutions are concentrated in and around Imphal adversely affecting the ability of those in the hill areas to access these facilities thereby impacting their rights.

Several actions directed towards disrupting the Indo-Naga peace process are being systematically carried out by Indian States and her defense system, including intelligence agencies, in the state of Manipur. Some of the accounts are:

1. There were widespread violent protests against the ceasefire extension in the Meitei-dominated areas of Manipur on 18 June 2001 and following days, in which 18 Meitei people lost their lives. Owing to these protests, the GOI revised the Bangkok Agreement of 2001 deleting the phrase "without territorial limits" from the ceasefire ground rules. This has caused a setback to the ongoing peace negotiation;

2. The Naga peoples' demand for integration of all Naga inhabited areas and their territories is being vigorously opposed by the Government of Manipur and some sections of the civil society organisations in Manipur, including strong objection to the proposal for one administrative unit for all the Nagas living in the four states of Assam, Arunachal Pradesh, Manipur and Nagaland, and the GOI's proposal for special status to the Nagas living in the states of Arunachal Pradesh, Assam and Manipur.

Naga women as Peacebuilders:

Naga women have played constructive roles in conflict resolution and peacebuilding in the Naga society, particularly in the context of factional conflicts among different Naga armed groups. They have been proactively engaged in peace initiatives to strengthen the ongoing Indo-Naga peace process. They have been campaigning for the repeal of the Armed Forces Special Power Act, 1958 since 1980s.

In 1994, the Naga Mothers Association started a peace campaign under the theme 'Shed No More Blood' to address all kinds of violence, fratricidal killings and armed confrontations between the Indian military and Naga armed resistance groups. In 1997, when the Indo-Naga peace agreement was signed, Naga women took the initiative for peace further by starting a campaign to address the internal conflicts amongst different Naga armed groups. In 2000, Naga women, in partnership with Naga civil societies such as Naga Hoho, Naga Peoples Movement for Human Rights, Naga Student Federation and Naga churches, participated in another peace initiative called 'Journey of Conscience' encouraging people-to-people dialogue to bring about reconciliation and rebuild the Naga society. These peace initiatives have led to bilateral ceasefire, whereby belligerence and hostility are halted among different factions of Naga armed resistance groups.

In a recent development, other Naga armed resistance groups who were not initially part of the peace process have joined the peace talks. Since November 2017, a conglomeration of six other Naga armed groups is running parallel talks with the GOI. The GOI, through its interlocutor K.N. Ravi, has also been holding series of consultations with the Naga civil society organisations concerning the peace process. However, a final peace agreement has not yet been reached.

The Position of Naga Peoples:

It is the expressed will and desire of the Nagas to be united once more into ONE geopolitical entity. Nagas live on their own land that has belonged to them from time immemorial. The aspiration of the Nagas to live together is nothing unusual but natural. It is also a historical fact that Naga peoples were arbitrarily divided into different administrative units by the British as Indian state. The Nagas, for the fullest realisation of their identity and rights, therefore desire the unification of their land which is at the heart of their existence. The Naga peoples' assertion is founded on the principles of self-determination prominently embodied in article 1 of the International Covenant on Civil and Political Rights as well as of the International Covenant on Economic, Social and Cultural Rights. That right is further reinforced in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples that says "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

In conclusion, we call upon the international community and the UN to support the ongoing Indo-Naga Peace process, for a conclusive solution based on the principles and values of human rights.

We also recommend the HRC to:

1. Urge the GOI and the negotiating parties to respect democratic processes and the rights of indigenous peoples with particular reference to article 3 of the United Nations Declaration on the Rights of Indigenous;

2. Urge the GOI to welcome third neutral parties, including UN bodies, to aid in expediting the Indo-Naga peace negotiations for bringing an honourable lasting political solution to the protracted Naga political issue;

3. Send a team of experts to assess the developments surrounding the Indo-Naga peace negotiations and advise the GOI in devising mechanisms around the obstructive forces against the Indo-Naga peace process for ensuring early settlement of the issues involved;

4. Send a human rights delegation, including the SR on the rights of Indigenous Peoples to assess the human rights situation in Northeast India to ascertain facts on the ground and to encourage and/or initiate dialogue among the communities in the region based on universally accepted standards and principles.